



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1804 Entitled, "An Ordinance of the Lodi City Council Adopting the '2007 California Building Code,' Volumes 1 and 2; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.04 in its Entirety"

MEETING DATE: November 21, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1804.

BACKGROUND INFORMATION: Ordinance No. 1804 entitled, "An Ordinance of the Lodi City Council Adopting the '2007 California Building Code,' Volumes 1 and 2; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.04 in its Entirety," was introduced at the regular City Council meeting of November 7, 2007.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/jmp

Attachment

APPROVED: _____
Blair King, City Manager

ORDINANCE NO. 1804

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING
THE "2007 CALIFORNIA BUILDING CODE," VOLUMES 1 AND 2;
THEREBY, REPEALING AND RE-ENACTING LODI MUNICIPAL
CODE CHAPTER 15.04 IN ITS ENTIRETY

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NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.04, "Building Code," is hereby repealed in its entirety and reenacted to read as follows:

Chapter 15.04

Building Code

- 15.04.010 Adoption.
- 15.04.020 CBC Appendix Chapter 1 (Board of Appeals).
- 15.04.030 CBC Appendix Chapter 1 (Building Permit Fees and Valuation).
- 15.04.035 Fee Schedule.
- 15.04.040 Special Inspections – Downtown Business District.
- 15.04.050 Repetitive Submittals (Master Plans).
- 15.04.060 Violation – Misdemeanor.

15.04.010 Adoption

The provisions set forth in the 2007 California Building Code, Volumes 1, 2, including Appendix Chapter 1 Administration, Appendix I, J, and A1 thereto, are hereby adopted as the Building Code of the City of Lodi. The Building Code of the City of Lodi shall apply to all matters pertaining to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City of Lodi, California; the issuance of building permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "2007 California Building Code," Volumes 1, 2, and appendixes thereto.

15.04.020 CBC Appendix Chapter 1 (Board of Appeals)

Sec.112.1 - In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a board of appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the board shall be valid unless a majority of the full board shall concur therein.

The board of appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.04.030 CBC Appendix Chapter 1 (Building Permit Fees and Valuation)

Sec. 108.1. Building Permit Fees. A fee for each building permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

Section 108.2. The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official and shall be based of the latest building valuation data as printed in the Building Safety Journal, published by the International Code Council, 5360 South Workman Mill Road, Whittier, CA 90601. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent work or permanent equipment.

EXCEPTION: The Building Official shall determine the valuation when no applicable data is available in Building Safety Journal.

15.04.035 Fee Schedule

The schedule of building permit fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.04.040 Special Inspections – Downtown business district

- A. Notwithstanding any other provision of this Chapter, special inspection fees required to determine compliance with this Chapter for all buildings and structures located within the area designated by Lodi Municipal Code Section 13.12.195(B) as the “downtown business district” are waived.
- B. The City Council finds and declares that the waiver of special inspection fees is taken to protect and preserve a crucial part of City’s economy and to preserve a portion of the City’s heritage by offering incentives for businesses to locate, relocate, or expand existing commercial uses within the downtown “business district.”

15.04.050 Repetitive submittals (Master Plans)

- A. Fees for the repetitive submittals of Master Plans shall be as follows:
 - 1. Original plan: 100% of building permit fee, plus 10%.
 - 2. Subsequent plans: 25% of building permit fee.
 - 3. City’s Building Code (Chapter 15.04) is subject to review and adoption every three years; as such, Master Plans expire upon adoption of City’s new Building Code.

15.04.060 Violation – Misdemeanor

- A. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure located within the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Chapter.

- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.
- C. In addition to the penalties set forth in Section 15.04.060 (B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2008, which date is at least 30 days after the passage of this ordinance.

Approved this 21st day of November, 2007

BOB JOHNSON
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1804 was introduced at a regular meeting of the City Council of the City of Lodi held November 7, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 21, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1804 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER

By: _____
JANICE D. MAGDICH
Deputy City Attorney